

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 893 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JIVABHAI THAKARSIBHAI PATEL

Versus

MUNICIPAL CORPN. OF AHMEDABAD

Appearance:

MR MB GANDHI for Appellant

MR BP TANNA for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 13/02/2003

ORAL JUDGEMENT

The learned counsel for the appellant states that the dispute raised by the appellant is an industrial dispute and in the facts and circumstances of the case

the Civil Court has no jurisdiction to entertain the suit in view of the decision of the Supreme Court in CHANDRAKANT TUKARAM NIKAM AND OTHERS vs. MUNICIPAL CORPORATION OF AHMEDABAD AND ANOTHER reported in (2000) 2 Supreme Court Cases 542. This is not disputed on behalf of the respondent. In the circumstances, the appeal does not survive and is dismissed. No order as to costs. It will be open for the appellant workman to approach the appropriate forum and such forum, if approached, will dispose of the matter on its own merits.

(M.C. Patel, J.)

hki